

TO ABOLISH ROWAN.

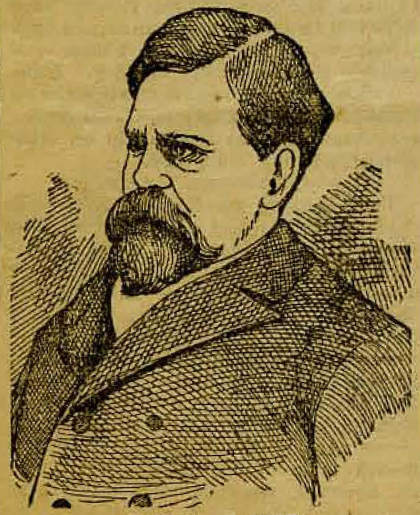
The Investigating Committee To Report To the General Assembly To-Day.

The County Recommended For Distribution Among Those From Whence It Came.

Criminal Grand Juries, Inefficient, Corrupt Officers and Sympathy For Crime Found.

Judge Cole Censured and Praised As a Citizen and As a Judge of the Court.

THE REPORT IN DETAIL.



JUDGE A. E. COLE.

FRANKFORT, March 15.—[Special.]—The Rowan County Investigating Committee had another session this evening, and finally agreed upon a report, which will be offered in the Senate to-morrow by Mr. Hendrick, and in the House by Mr. Reed. The report will bear the signatures of the two gentlemen named, and in addition those of Senators Gilbert and Wright and Representatives Newman, Blandford and Wallace. The only committeeman who has not furnished his autograph is Claude Thomas. Mr. Thomas does not believe that any reflection, no matter how broadly qualified, should be cast upon Judge Cole.

The committee has been engaged on this task something more than a month, and nothing connected with the proceedings of the Legislature has attracted wider notice.

The session was only a few days old when Mr. Reed called attention to that portion

of the Governor's message relating to Judge Cole and Rowan county, and offered an appropriate resolution, which was subsequently adopted, and under which the present joint committee acted. It would have been impossible to have designated a better committee, which was fortunate in having honest, practical John Hendrick for the chairman. Neither fear nor favor was shown, the object being to probe to the very bottom. The following is a true copy of the report to be presented which has been furnished exclusively to the COURIER-JOURNAL.

THE REPORT.

TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY: Your committee appointed and acting under the following resolution, viz:—

"WHEREAS, There are charges of official misconduct against the Circuit Judge of the Fourteenth Judicial District being circulated, and which have received notice in the Governor's message to us and whereas it is due both to the Commonwealth and to the party charged that such charges should be investigated, therefore, be it

"SECTION 1. Resolved, by the General Assembly of the Commonwealth of Kentucky, That a committee of eight be appointed, three from the Senate and five from the House, to investigate said charges. Said committee shall be appointed by the Speakers of the respective houses, and shall have power to hold their sessions in Frankfort, or in Morehead, or in any other place within this Commonwealth they may determine to be best for a full sifting of the facts. They are given full power to send for persons and papers, all of which papers they shall return to this General Assembly when they make their report, and they shall also return with their report all the evidence taken by them, whether documentary or otherwise, and it shall be the further duty of the said committee to investigate as far as practicable, the feuds, riots, and lawlessness in Rowan county and the causes thereof, and said committee shall have power in its discretion to investigate said matters separate from or in connection with the charges against the Judge of the Rowan Circuit Court, but in reporting to this General Assembly it shall be the duty of said committee to report separately on said charges against the Judge of said court and the other matters directed to be investigated under this resolution, and said committee shall report fully and in writing what action should be taken by this General Assembly in reference to the matters hereby directed to be investigated."

THE COMMITTEE REPORT THAT

in pursuance of the above resolution they visited Morehead, in Rowan county, on the 8th day of February 1888, accompanied by a stenographic reporter, the employment of whom was authorized by a resolution of this General Assembly, after first having notified Judge A. E. Cole of the time and place of the meeting of the committee, and proceeded to take the testimony of numerous witnesses, each witness being duly sworn and then thoroughly examined by the committee, and cross examined by the attorneys representing Judge Cole. The committee while at Morehead thus took the testimony of fifteen witnesses represented to the committee as being among the most respectable citizens of the county. The records and papers of the Circuit Court Clerk's office were also thoroughly and minutely examined, after which your committee adjourned to meet in the city of Frankfort on the 14th day of February, 1888, at which time and place the committee met and in the same manner took the testimony of thirty-three other witnesses,

following, John Martin was assassinated at Farmer, in Rowan county, while in charge of the officers of the law under a forged order to bring him from the Winchester jail in Clark county to Morehead to stand his examining trial. From that time forward open murders and secret assassinations followed in quick succession, until June 22, 1887, when the principal leaders of one faction of the marauders and murderers were killed in attempting to arrest them. From August, 1885, to June 22, 1887, there were twenty murders and assassinations in the county, and sixteen persons wounded, who did not die, and all this in a county whose voting population did not at any time exceed 1,100, and during this period there was not a single conviction for murder, manslaughter or wounding, except for the killing of one Hughes, who was not identified with either faction.

ODIOUS MISDEMEANORS.

In addition to felonies, we find that a great number of the most odious misdemeanors were committed, such as carrying concealed deadly weapons, selling spirituous, vinous and malt liquors without license, selling the same to minors, disturbing religious worship, breach of the peace, etc. The Circuit Court docket showed that a great many persons were never arrested for the offenses charged against them, that in a great majority of cases, where arrests were made, either worthless bonds were taken or the parties were cleared by the petit jury. It appeared from the record that there were some cases even when a conviction was had where the parties escaped the penalties of the law. Many of the cases of conviction appeared to have been obtained by reason of the absence of the defendant, leaving the impression upon the minds of the committee that any effort to defeat the law seemed generally successful. It appeared from the record that there is now due to the Commonwealth on straw bonds, many thousand dollars that will never be collected. According to the proof the petit jurors were a fair average of the men of probity and integrity in Rowan county and the failure to convict seemed to be, either the people from long accustomed association with deeds of violence and crime, from a want of appreciation of law and order, or from intimidation and fear, were unduly tolerant of crime.



CHAIRMAN J. K. HENDRICK.

We find that although some indictments were found against parties guilty of felonies and misdemeanors, that there were several instances in which the

MOST CRUEL AND COWARDLY MURDERS were committed and no indictments were found by any grand jury of Rowan county, although it was generally known or suspected by the entire community who the parties were that committed the murder. The grand juries in Rowan county since August, 1884, in several instances not only failed to discharge their duties in investigating and ferreting out the parties who were guilty of the most terrible crimes when it was generally known and suspected who had committed those crimes, but used their functions to instigate and set on foot prosecutions founded upon the most worthless evidence, and in several instances failed to indict officers of the law when the knowledge was brought home to them of crimes and misdemeanors committed by said officers. According to the proof, the grand jury was a fair average of the men of probity and integrity of Rowan county.

Your Committee find that the county officials were not only wholly inefficient, but most of them in warmest sympathy with crime and criminals, in some instances not only suppressing the knowledge of murder, but giving support, so far as to rescue criminals from the custody of the law, being totally oblivious of their duty to the Commonwealth, and seeking notoriety of censure and adverse criticism rather than shrinking from it.

Law and order cannot and will not be maintained in Rowan county with the present county officials, nor did we find while at Morehead a healthy public sentiment to uphold and sustain the enforcement of the law. Whilst your Committee was at Morehead parties were openly engaged in selling whisky in one of the most public places of the town without license, and had been doing so since June, 1887, and this known, too, by

THE OFFICERS OF THE LAW,

and no effort made by any one to suppress it. Fortunately for the Commonwealth some of the murderers of Rowan county who have brought so much disgrace upon the Commonwealth were dispatched on the 22d day of June, 1887, but there yet remains in Rowan and adjoining counties, some of the parties who have been participating in the murders in Rowan county, and the prevalent opinion of men thoroughly conversant with the previous lawless and bloody history of Rowan county, is that as soon as this General Assembly adjourns, again will begin the bloody scenes of violence, murder and assassination which have, since August, 1884, marked and blackened the history of Rowan county.

In regard to the causes of the troubles in Rowan county, your Committee find.

First—That the county officials, excepting a very few, are not only inefficient, but are totally corrupt and depraved.

Second—The want of a healthy moral public sentiment.

Third—That the portion of the community

against Judge Cole, we cannot say from the testimony that he has been guilty of corruption in office, nor has he been guilty of official misconduct in a legal or criminal sense, but your committee are constrained to say, however, that Judge Cole unwillingly allowed himself in some measure to be influenced by partisans of another faction and allowed officers of his court, without apparent censure from him, to remain in charge of the official duties after misconduct upon the part of the County Attorneys, Jailer and Circuit Clerk of a highly criminal character, which the Court knew, or by the exercise of reasonable diligence might have known was committed and ought to have brought down the severest condemnation of. The Judge in his charge to the grand jury and otherwise, so far as the proof shows, received no official notice or attention from the Court and his social relations with these parties continued to be apparently friendly and cordial. But while we feel forced under the proof to say these things, we do not believe from the testimony that any Judge in the Commonwealth

COULD HAVE ENFORCED THE LAW

in that county, and we believe moreover that the criticism to which he has subjected himself, is due more to his kindness of heart and his unsuspecting devotion to his personal and political friends, than any disposition to side with either faction, or to shield the criminals that were around him.

The proof shows that in every other county in his district his private character as well as his official conduct are above reproach. The lawyers and other prominent citizens of his circuit so far as examined, universally testify both to his high character, as a citizen, and his unblemished conduct and character as a judge.

It is said to-night, that Mr. Thomas will submit a minority report completely exonerating Judge Cole.

They Don't Like It.

OWINGSVILLE, KY., March 15.—[Special.]—There is much dissatisfaction manifested here at the plan which it is said is likely to be adopted by the Legislature of dismembering Rowan and affixing a portion of its territory to this (Bath) county. It is claimed that in the first place it would be very unjust to the property owners of Rowan, and in the next place it would be a hardship on the law-abiding people of Bath not to be thought of assuming. It is current opinion here that should the Legislature carry out this threat of abolishing Rowan and attaching a portion of its territory to this county, the proper course to pursue would be for the courts, officers, and county machinery generally to simply refuse to in any way recognize the portion of territory thus thrust upon them. This will doubtless be done in the event of the contingency mentioned.

PERISHED IN THE FLAMES.

the Governor's message relating to Judge Cole and Rowan county, and offered an appropriate resolution, which was subsequently adopted, and under which the present joint committee acted. It would have been impossible to have designated a better committee, which was fortunate in having honest, practical John Hendrick for the chairman. Neither fear nor favor was shown, the object being to probe to the very bottom. The following is a true copy of the report to be presented which has been furnished exclusively to the **COURIER-JOURNAL**.

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Your committee find from the evidence that the feuds and lawlessness in Rowan county commenced in August, 1884, and grew out of the election of W. Cook Humphrey as Sheriff of the county. On the day of the August election one Solomon Bradley was killed in a street fight, and a dispute arose as to whether Floyd Tolliver or John Martin did the killing. Said Bradley was a Republican and a friend and partisan of said Humphrey, and from the date of that killing and for some months afterwards the

FEUDS PARTOOK OF A POLITICAL NATURE.

Cooke Humphrey and his followers representing a Republican faction and Craig Tolliver and his followers a Democratic faction. On December 2, 1884, Floyd Tolliver was killed in a bar-room difficulty by John Martin, Martin at the time being a member of the Humphrey faction. On December 10,

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In regard to the causes of the troubles in Rowan county, your Committee find.

First—That the county officials, excepting a very few, are not only inefficient, but are totally corrupt and depraved.

Second—The want of a healthy moral public sentiment.

Third—That the portion of the community which seems attached to law and order has so long been domineered over by the criminal element and corrupt officers, that they are incapable of rendering any valuable assistance in maintaining the law, save a few exceptions, and these few so greatly in the minority in the class desiring law and order that a reformation cannot be hoped for, if left to their own resources.

Fourth—That during all the social chaos since August, 1884, spirituous liquors have been sold with and without license in nearly every part of the county, adding fury and fire and venom to the minds and hearts of murderers, and dragging into the terrible vortex of drunkenness and crime and murder even those who were not originally in the feuds, the proof showing that crimes and murders were committed in the various precincts in proportion to the number of places where whisky was sold. The evidence of many of the most prominent and intelligent of Rowan county was that

THE ONLY CURE FOR ALL THE EVILS

that have affected Rowan county and disgraced the Commonwealth is the abolition of the county and remanding it back to the counties from which it was formed and this, the opinion of your committee, is the only intelligent solution of the difficulty, and we, therefore, recommend the repeal of the acts by which the county was created and the respective portions of the territory be given to the counties from which they were taken.

Reporting separately as to the charges